

EXHIBIT J

MAY 12 1986

FILED IN THE
U. S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTONUNITED STATES DISTRICT COURT MAY 9 1986
EASTERN DISTRICT OF WASHINGTONJ. R. FALLQUIST, Clerk
DeputyDON M. KENDRICK and JOAN I.
KENDRICK, husband and wife,

Plaintiffs

vs.

OWENS-CORNING FIBERGLAS
CORPORATION, a foreign
corporation, et al.,

Defendants

NO. C-85-178-AAM

ORDER ON PRETRIAL MOTIONS

BEFORE THE COURT are various pretrial motions and motion in limine as referenced below, heard with oral argument in a preliminary pretrial conference April 25, 1986. Appearing for plaintiffs were Steven A. Crumb and C. Matthew Andersen. Representing the "Wellington Agreement" defendants were Bruce D. Erickson and Eileen Concannon; representing Raymark Industries, Inc., was Patrick C. Sheldon. Having reviewed the record, heard the oral argument of counsel and being fully advised in the premises, the court hereby rules as detailed below.

1. Defendants' motion for summary judgment based on statute of limitations (Ct. Rec. 126, 130) is DENIED. In the products liability action, filed on February 27, 1985, the applicable statute of limitation is three years from the

ORDER ON PRETRIAL MOTIONS - 1

B-1

1 15. Defendants' Motion to Exclude Testimony of Barry
2 Castleman (Ct. Rec. 98) is GRANTED in accordance with the
3 analysis set forth in In Re Related Asbestos Cases, 543 F.Supp.
4 1142, 1149-50 (N.D. Cal 1982).

5 16. Defendants' Motion to Exclude ATI Records from Tri.
6 (Ct. Rec. 113) and their Motion to Exclude Sumner Simpson
7 Papers (Ct. Rec. 116) are DENIED, the documents being condit
8 ally admissible. After consultation between defendants and
9 plaintiffs, plaintiffs shall submit the disputed documents t
10 the court for a determination of objectionability pursuant
11 Rule 403, Fed.R.Ev., along with purged depositions or other
12 evidence which they contend would authenticate the document
13 question.

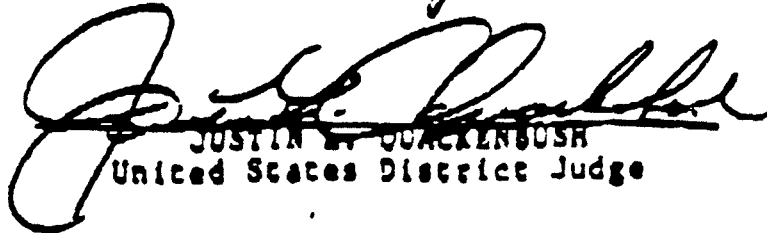
14 17. Defendants' Motion in Limine to Exclude Remote
15 Product Identification Testimony (Ct. Rec. 119) is DENIED w
16 leave to renew at the time of trial, outside the jury's
17 presence.

18 18. Defendants' Motion in Limine to Exclude Evidence
19 Friction Products (Memo at Ct. Rec. 121) is RESERVED. Fric
20 product evidence proposed to be offered at trial shall be
21 submitted to the court on or before May 5, 1986, for review
22 under Rule 403, Fed.R.Ev.

23 19. Defendants' Motion to Exclude Evidence of Manufa
24 turing Plant Conditions (Ct. Rec. 54) is RESERVED. The co
25 will hear further from counsel at the time of trial, out c
26 jury's presence.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DATED this 8th day of May, 1986.


JUSTIN M. QUACKENBUSH
United States District Judge